

REMARKS/ARGUMENTS

Claims 1-38 are pending in the present application. Claims 1-38 have been rejected for the reasons indicated in the Office Action. In response, claim 30 has been canceled and claims 4-6 and 32 have been amended. No new matter is added by these amendments. Entry of these amendments is requested.

With Respect to the Rejections Under 35 U.S.C. §112, Page 2 of the Office Action:

Claims 4-6, 30 and 32 have been rejected under 35 U.S.C. § 112 for the reasons indicated on page 2 of the Office Action. In response, claim 30 has been canceled and claims 4-6 have been amended. Claim 32, however, is believed to be sufficiently clear for one of ordinary skill in the art to be reasonably apprized of the scope of the invention. The term "relative vacuum" obviously refers to a vacuum having a pressure that is decreased relative to the pressure outside the closed container. An example of the pressure formed by the relative vacuum is both disclosed and claimed as -1.5 bar. The Applicant believes that term "relative vacuum" is, therefore, sufficiently clear and requests that the Examiner reconsider this rejection. Withdrawal of the rejections with respect to claims 4-6 and 32 is hereby requested.

With Respect to the Claim Objection, Page 2 of the Office Action:

Claim 32 stands objected to for the reason indicated on page 2 of the Office Action. In response, claim 32 has been amended to obviate the objection. Therefore, withdrawal of the objection is hereby requested.

With Respect to the Double-Patenting Rejections, Pages 2-3 of the Office Action:

All pending claims, claims 1-38, stand rejected under the judicially created doctrine of obviousness type double patenting over claims 1-38 of co-pending Application 09/982,569. A Request for Express Abandonment has been filed in co-pending Application 09/982,569, a copy of which is enclosed for the convenience of the Examiner. Therefore, withdrawal of this rejection is hereby requested.

Claims 1-38 further stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-40 of United States Patent 6,537,598. Attached to this Response and Amendment is a Terminal Disclaimer and

accompanying paperwork executed by the Assignee of the entire interest of both Patent No. 6,537,598 and the present application. Therefore, withdrawal of these rejections is hereby requested.

CONCLUSION

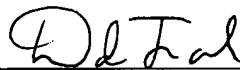
Claims 1-29 and 31-38 are now believed to be in condition for allowance and a Notice of Allowance is respectfully requested. If, however, there remain any issues which can be addressed by telephone, the Examiner is encouraged to contact the undersigned.

The Commissioner is hereby authorized to charge any fee associated with the accompanying Terminal Disclaimer and any other additional fee that may be associated with this communication, if such fee is due, to Deposit Account No. 19-2090.

Respectfully submitted,

SHELDON & MAK
A Professional Corporation

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By: 
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